HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 20258 of 2007

Dated: 27-09-2007

Between:

Tandra Venkateshwar Rao

..... PETIT

AND
Municipality of Jagtial town,
Karimnagar District and another.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 20258 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to set aside the proceedings, dated 07-09-2007, issued by the Commissioner of Jagtial Municipality, whereby a notice was issued to the petitioner to reply within 7 days as to why the provisional order issued under Section 228 (1) and (2) of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act') shall not be confirmed against him.

The material on record shows that after the notice dated 07-09-2007 was issued under Section 228(1) of the Act, the petitioner got issued a legal notice on 18-09-2007 wherein he claimed that the constructions were made after obtaining permission from the Municipality and that the notice also shows that copies of the permissions were enclosed.

At the hearing, learned counsel for the petitioner states that after receipt of the said legal notice, the Municipality has not passed any order. However, he says that there is a serious apprehension in the mind of the petitioner that the Municipality may undertake demolition even without passing an order.

Sri Polisetti Radhakrishna, learned standing counsel for the respondents stated that the Municipality Jagtial has not so far passed any final order under Section 228(3) of the Act and that it will not take further action unless and until a final order is passed and a reasonable time is given to the petitioner for removal of the structure, if it is found that it is constructed without permission or in deviation of the sanctioned plan;

In view of the statement of the learned standing counsel, it is not necessary to dispose of writ petition on merits.

Subject to the above observations, the writ petition is dismissed. No costs.

C.V.NAGARJUNA REDDY,J

Date: 27-09-2007
KLP